

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

APPALACHIAN VOICES, et al.,)	
)	
)	
Petitioners,)	
v.)	
)	No. 20-2187 (L)
UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, et al.,)	
)	
Respondents.)	
)	

STATUS REPORT

Respondents (collectively, “EPA”) submit this status report in accordance with this Court’s April 8, 2022, order.

1. These consolidated petitions for review challenge an EPA rule entitled “Steam Electric Reconsideration Rule,” 85 Fed. Reg. 64,650 (Oct. 13, 2020).
2. In July 2021, EPA announced its intention to conduct a notice-and-comment rulemaking to reconsider the rule and moved to hold this case in abeyance pending completion of the rulemaking. Mot. to Hold Case in Abeyance (July 26, 2021), Doc. No. 62-1; 86 Fed. Reg. 41,801 (Aug. 3, 2021).
3. On April 8, 2022, the Court granted EPA’s motion and placed this case into abeyance pending the completion of EPA’s rulemaking. Order (Apr. 8,

2022), Doc. No. 83. The Court ordered EPA to file a status report on May 9, 2022, and at thirty-day intervals thereafter. *Id.*

4. Since the EPA's status report filed with this Court on September 19, 2023 (ECF 103), EPA has continued working on the new rulemaking announced in July 2021. On March 29, 2023, the Federal Register published notice of EPA's proposed rulemaking. EPA, *Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, 88 Fed. Reg. 18,824 (Mar. 29, 2023). EPA received public comments through May 30, 2023. *Id.* at 18,824. EPA is now considering the comments in its assessment of any final rule.

5. Because EPA's reconsideration rulemaking remains ongoing, the Court should continue to hold these petitions in abeyance. In accordance with this Court's April 8, 2022, order, EPA will file another status report in thirty days.

DATE: October 19, 2023

Respectfully submitted,

TODD KIM
Assistant Attorney General

/s/ Kimere J. Kimball
KIMERE J. KIMBALL
U.S. Department of Justice
ENRD/EDS
P.O. Box 7611
Washington, D.C. 20044
(202) 514-2285

Kimere.kimball@usdoj.gov
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Kimere J. Kimball